

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, ) CASE NO. CR04-432-JCC  
Plaintiff, )  
v. )  
SANG JON LEE, ) SUMMARY REPORT OF U.S.  
Defendant. ) MAGISTRATE JUDGE AS TO  
 ) ALLEGED VIOLATIONS  
 ) OF SUPERVISED RELEASE

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An evidentiary hearing on supervised release revocation in this case was scheduled before me on April 30, 2009. The United States was represented by AUSA Tessa Gorman and the defendant by Peter Avenia. The proceedings were digitally recorded.

Defendant had been sentenced on or about June 17, 2005 by the Honorable John C. Coughenour on a charge of Conspiracy to Distribute Ecstacy, and sentenced to 24 months custody, three years supervised release. (Dkt. 72.)

The conditions of supervised release included the standard conditions plus the requirements that defendant cooperate in the collection of DNA, be prohibited from possessing a firearm, submit to mandatory drug testing, abstain from the use of alcohol, participate in a

01 substance abuse program, submit to search, provide access to financial information upon request  
02 of his probation officer, and obtain approval for all employment and submit pay stubs to his  
03 probation officer.

04 On May 11, 2008, defendant's supervised release was modified to required 60 days in  
05 home confinement with electronic monitoring. (Dkt. 86.)

06 In an application dated April 11, 2009 (Dkt. 88), U.S. Probation Officer Michael J. Larson  
07 alleged the following violations of the conditions of supervised release:

08 1. Failing to submit a truthful and complete written report within the first five days  
09 of the month for February 2009, in violation of standard condition number two.

10 2. Committing the crime of Organized Retail Theft 2nd Degree on or about March  
11 30, 2009, in violation of Section 9A.56.350 of the Revised Code of Washington, and the general  
12 condition requiring he not commit another federal, state, or local crime.

13 3. Committing the crime of Obstructing a Public Servant on or about March 30,  
14 2009, in violation of Section 9A.76.020 of the Revised Code of Washington, and the general  
15 condition requiring he not commit another federal, state, or local crime.

16 4. Associating with persons engaged in criminal activity, namely Ahn Bui and Son  
17 Bui, on or about March 30, 2009, in violation of standard condition number nine.

18 5. Failing to notify the probation office within 72 hours of being arrested or  
19 questioned by law enforcement on or before April 2, 2009, in violation of standard condition  
20 number eleven.

21 Defendant was advised in full as to those charges and as to his constitutional rights.

22 Defendant admitted alleged violations 1, 4 and 5 and waived any evidentiary hearing as

01 to whether they occurred. An evidentiary hearing was conducted on alleged violations 2 and 3.  
02 Plaintiff's Exhibit 1 was admitted into evidence without objection, consisting of the King County  
03 Sheriff's Incident Report for 3/30/2009 relating to the alleged incident. The defendant stipulated  
04 that he was the individual referenced in the report as "Sang Joon Lee". The report shows that  
05 defendant committed violations 2 and 3 by a preponderance of the evidence.

06 I therefore recommend the Court find defendant violated his supervised release as alleged  
07 in all five violations, and that the Court conduct a hearing limited to the issue of disposition. The  
08 next hearing will be set before Judge Coughenour.

09 Pending a final determination by the Court, defendant has been detained.

10 DATED this 30th day of April, 2009.

11   
12 Mary Alice Theiler  
13 United States Magistrate Judge

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15 cc: District Judge: Honorable John C. Coughenour  
AUSA: Tessa Gorman  
Defendant's attorney: Peter Avenia  
Probation officer: Michael J. Larson  
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